

FILED

NOV 19 2004

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY R. L. S.
DEPUTY CLERK

UNITED STATES OF AMERICA

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NO. EP—04-CR-2091KC

OMNI CONSORTIUM, INC., et al.

*Noel Cedro Tolentino*WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENTANDENTRY OF PLEA OF NOT GUILTY

COMES NOW, Defendant, NOEL CEDRO TOLENTINO in the above-referenced case who, along with his undersigned attorney, Ronald F. Ederer, hereby acknowledges the following:

1.) Defendant has received a copy of the indictment or information in this case. Defendant understands the nature and substance of the charges contained herein, the maximum penalties applicable thereto, and his Constitutional Rights, after being advised of all the above by his attorney.

2.) Defendant understands he has the right to appear personally with his attorney before a Judge for arraignment in open Court on this accusation. Defendant further understands that, absent the present waiver, he will be so arraigned in open Court.

Defendant, having conferred with his attorney in this regard, hereby waives personal appearance with his attorney at the arraignment of this case and the reading of the indictment or information, and, by this instrument, tenders his plea of "not guilty". The defendant understands that the entry by the Court of said plea for defendant will conclude the arraignment in this case for all purposes.

Date: 11/18/04*Noel Tolentino*

Noel Cedro Tolentino, Defendant

Ronald F. Ederer

Ronald F. Ederer, Attorney for Defendant

ORDER

APPROVED by the Court. A plea of "Not Guilty" is entered for defendant effective this date.

Date: 11-19-04*United States Magistrate Judge*

United States Magistrate Judge

37.